



The State of New Hampshire
Department of Environmental Services
Water Council

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STATE OF NEW HAMPSHIRE
WATER COUNCIL

Docket No. 04-18 WC
and
Docket No. 04-19 WC

Appeal of Thaddeus Dymon
and
Appeal of The Town of Newport

In Re: Denial of Request for Waiver of Env-Ws 386.56(h)(12), (14), and (18)

Decision & Order
Assented-to Motion to Stay

Background

On October 8, 2004 Attorney Daniel G. Smith filed a Notice of Appeal ("the Dymon Appeal") with the NH Water Council ("the Council") on behalf of Thaddeus Dymon ("Appellant Dymon"). The subject of the Appeal being the New Hampshire Department of Environmental Services, Water Division ("DES") denial of a Request for Waiver of Env-Ws 386.56(h)(12), (14) and (18).

On October 11, 2004 Attorney Adele M. Fulton filed a Notice of Appeal ("the Newport Appeal") with the Council on behalf of The Town of Newport ("Appellant Newport"). The subject of the Appeal also being the DES denial of a Request for Waiver of Env-Ws 386.56(h)(12), (14) and (18).

On October 13, 2004 the Council accepted the Dymon Appeal and the Newport Appeal.

On November 15, 2004 a Pre-hearing Conference was held. At the Pre-hearing Conference parties to the appeal informed the Council that there is currently a property boundary dispute

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before the Sullivan County Superior Court. The outcome of the Superior Court Case could have an effect on this appeal before the Council.

On November 29, 2004 Appellant Dymon filed an Assented-to Motion to Stay Proceedings in both the Dymon Appeal and the Newport Appeal. In its motion Appellant Dymon requested that the stay be continued until there is a final ruling on the boundary dispute in Sullivan County Superior Court.

On January 12, 2005 the Council granted the Assented-to Motion to Stay.

Order

Assented-to Motion to Stay Proceedings is **GRANTED**.

So Ordered for the Council by:

COPY

Michael P. Schafani, Appeals Clerk

January 14, 2005